

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

EFG BANK S.A., f/k/a EFG Private Bank
S.A., EFG BANK (MONACO) S.A.M., f/k/a
EFG Eurofinancière d'Investissements
S.A.M., and EFG BANK & TRUST
(BAHAMAS) LIMITED, as successor-in-
interest to Banco Atlántico (Bahamas) Bank &
Trust Limited,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01690 (CGM)

STIPULATION AND ORDER

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-lll, and the Chapter 7 estate of Bernard L. Madoff, and the defendants in this action, EFG Bank S.A., EFG Bank (Monaco) S.A.M., and EFG Bank & Trust (Bahamas) Limited (“Defendants,” and together with the Trustee, the “Parties”), by and through

their respective undersigned counsel, state as follows:

WHEREAS, on May 25, 2022, the Trustee sent Defendants a draft of a proposed amended complaint and asked Defendants if they would consent to the Trustee filing the proposed amended complaint in this matter without moving for leave to amend;

WHEREAS, on June 15, 2022, Defendants declined to consent to the filing of the proposed amended complaint; and

WHEREAS, on June 17, 2022, the Parties held a meet-and-confer conference to discuss the proposed amended complaint and a briefing schedule for the Trustee's forthcoming motion for leave to amend the complaint.

IT IS HEREBY STIPULATED AND AGREED, that

1. The Trustee will file his motion for leave to amend the complaint ("Motion for Leave to Amend") on or before July 28, 2022.
2. Defendants will file any opposition to the Trustee's Motion for Leave to Amend on or before August 25, 2022.
3. The Trustee will file any reply brief in support of his Motion for Leave to Amend on or before September 15, 2022.
4. The Parties reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights, arguments, objections, and defenses, including without limitation, challenges to personal jurisdiction, and expressly including any potential motions by Defendants under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6).

5. The above deadlines granted by this Stipulation and Order are without prejudice to any party seeking future extensions of time.

Dated: July 8, 2022
New York, New York

/s/ Brian W. Song
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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

SO ORDERED.

/s/ Zachary D. Rosenbaum
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Attorneys for Defendants

Dated: July 12, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge